

REMARKS

Applicants' attorney wishes to thank the Examiner for the courteous and helpful telephone interview of October 13, 2006 during which the present amendments to Claim 39 and the prior art were discussed.

Applicants gratefully acknowledge the allowance of Claims 1, 3-16, 18, 20-24 and 40 as stated in the Office Action. Only a typographical error in Claim 1 has been corrected.

The only remaining claim at issue is Claim 39, which is amended herein to clarify the same.

As now amended, Claim 39 is to a radiation treatment apparatus that has a radiation generating unit that emits radiation, a movable member that rotatably supports the radiation generating unit on two rotational axes crossing each other, and a guide that moves the movable member carrying the radiation generating unit along an orbit with a predetermined radius about an isocenter such that the emitted radiation crosses at one point. A support member is provided that rotates the guide about a turning axis extended through the isocenter and arranged in parallel with a plane defined by the orbit, and a microwave source is provided which supplies microwaves to the radiation generating unit via a waveguide, the microwave source being positioned apart from the movable member and the guide. Such an arrangement of a radiation treatment apparatus is not taught or suggested in the prior art.

In the Office Action, Claim 39 was rejected as anticipated by Noegel et al. (U.S. 6,575,624). Reconsideration and removal of that rejection is respectfully requested in view of the present amendment to Claim 39, the following remarks, and the discussion during the telephone interview.

The Office Action states that Noegel et al. shows a radiation apparatus that has a radiation generating unit (10), a guide (8) that moves the unit along an orbit (a) with a predetermined radius about an isocenter such that emitted radiation crosses at a point, a support member (7) that rotates the guide about a turning axis extending through the isocenter and arranged in parallel with a plane defined by the orbit, and a microwave source (31) which supplies microwaves to the unit via a waveguide (30').

In comparing the x-ray apparatus of Noegel et al. with the present claimed radiation treatment apparatus, however, it must be noted that the microwave source of Claim 39 is disposed away from a movable member and a guide. With respect to the arrangement of Noegel et al. described in the Office Action, if it is acknowledged that the "holding mechanism (8) is the "guide (9)" of the present claimed invention, the microwave generator (31) of the reference should be provided in the guide, which is clear for column 6, lines 26 - 27, and Fig. 1 of Noegel et al. Such an arrangement does not teach or suggest a radiation treatment apparatus as required in Claim 39, where a microwave source is "positioned apart from the movable member and the guide."

In view of the present amendment to Claim 39, and the above remarks, Claim 39 in addition to Claims 1, 3 - 16, 18, 20 - 24 and 40 is believed to be patentable and in condition for allowance.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

U.S. Patent Application Serial No. 10/764,505
Reply to OA dated July 27, 2006

In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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